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| APPLICATION NO.        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 09/980,880             | 09/03/2002  | Yoshio Goda          | MAT-8189US          | 1394             |
| 53473                  | 7590        | 05/22/2009           |                     |                  |
| RATNERPRESTIA          |             |                      | EXAMINER            |                  |
| P.O. BOX 980           |             |                      | HODGE, ROBERT W     |                  |
| VALLEY FORGE, PA 19482 |             |                      |                     |                  |
|                        |             | ART UNIT             | PAPER NUMBER        |                  |
|                        |             | 1795                 |                     |                  |
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|                        |             | 05/22/2009 PAPER     |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* YOSHIO GODA, NORIO SUZUKI, and  
KIYOSHI YAMASHITA

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Application No. 09/980,880  
Technology Center 1700

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Mailed: May 22, 2009

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 13, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**PRIOR REMAND ORDER**

A prior “Order Remanding to Examiner” was mailed on January 10, 2008, wherein the Examiner was instructed that corrections to the appeal were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention are identified below.

**AMENDMENT AFTER FINAL**

A review of the file indicates that on May 17, 2007, Appellant filed an Amendment After Final in response to the Final Rejection mailed September 2, 2005. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed in accordance with the Board’s Remand Order dated August 19, 2008. Additionally, the Examiner’s assertion in the Answer dated January 27, 2009, under the heading “(4) Status of Amendment After Final” that “The appellant’s statement of the status of amendments after final rejection contained in the brief is correct” is incorrect. Clarification from the Examiner is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) appropriately respond to the Amendment After Final;
- 2) vacate the Examiner's Answer mailed January 27, 2009;
- 3) provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as required; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/alw

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